

***IN THE DISTRICT COURT OF THE UNITED STATES
for the Western District of New York***

**July 2023 GRAND JURY
(Impaneled 07/28/2023)**

THE UNITED STATES OF AMERICA

**SUPERSEDING
INDICTMENT**

-vs-

23-CR-99-JLS

SIMON GOGOLACK

Violations:

21 U.S.C. §§ 846 and 856(a)(1), and 18
U.S.C. §§ 924(c)(1)(A)(iii), 922(g)(1),
922(g)(3), 1201(a)(1), 1512(b)(1),
1512(b)(2)(A), and 1512(b)(3)
(13 Counts and Forfeiture Allegation)

COUNT 1

(Narcotics Conspiracy)

The Grand Jury Charges That:

Beginning on or before July 2, 2023, and continuing until on or about on or about August 8, 2023, the exact date being unknown to the Grand Jury, in the Western District of New York, and elsewhere, the defendant, **SIMON GOGOLACK**, did knowingly and intentionally combine, conspire, and agree together and with others, known and unknown to the Grand Jury, to commit the following offenses, that is, to possess with intent to distribute, and to distribute:

- (i) fentanyl, a Schedule II controlled substance;
- (ii) cocaine, a Schedule II controlled substance;
- (iii) methamphetamine, a Schedule II controlled substance;
- (iv) marijuana, a Schedule I controlled substance;

(v) Alprazolam (Xanax), a Schedule IV controlled substance; and
(vi) Amphetamine (Adderall), a Schedule II controlled substance
in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(C), and 841(b)(1)(D).

All in violation of Title 21, United States Code, Section 846.

COUNT 2

(Maintaining a Drug-Involved Premises)

The Grand Jury Further Charges That:

Beginning on or about July 2, 2023, and continuing to on or about August 8, 2023, the exact dates being unknown to the Grand Jury, in the Western District of New York, and elsewhere, the defendant, **SIMON GOGOLACK**, did unlawfully and knowingly use and maintain a place, that is, the premises known as 296 Scott Avenue, Wellsville, New York, for the purpose of manufacturing, distributing, and using marijuana, a Schedule I controlled substance; cocaine, methamphetamine, amphetamine (Adderall) and fentanyl, Schedule II controlled substances; and Alprazolam (Xanax), a Schedule IV controlled substance.

All in violation of Title 21, United States Code, Section 856(a)(1).

COUNT 3

(Possession of Firearms in Furtherance of Drug Trafficking)

The Grand Jury Further Charges That:

Between on or about July 2, 2023, and on or about August 8, 2023, the exact dates being unknown to the Grand Jury, in the Western District of New York, the defendant, **SIMON GOGOLACK**, in furtherance of drug trafficking crimes for which he may be

prosecuted in a court of the United States, that is, violations of Title 21, United States Code, Sections 846 and 856(a)(1), committed in the manner set forth in Counts 1 and 2 of this Indictment, the allegations of which are incorporated herein by reference, did knowingly possess firearms.

All in violation of Title 18, United States Code, Section 924(c)(1)(A)(i).

COUNT 4

(Felon in Possession of a Firearm and Ammunition)

The Grand Jury Further Charges That:

Between on or about July 21, 2023, and on or about August 8, 2023, the exact dates being unknown to the Grand Jury, in the Western District of New York, the defendant, **SIMON GOGOLACK**, knowing that he had been previously convicted on or about November 7, 2007, in County Court, Erie County, New York, of a crime punishable by a term of imprisonment exceeding one year, did knowingly possess in and affecting commerce, a firearm, namely, one KEL-TEC CNC Inc., Model KSG, 12-gauge pump action shotgun bearing serial number XXFD48, and ammunition, including, seven (7) 12-gauge rounds of ammunition labeled “AGUILA 12” on the headstamp; fourteen (14) 9mm LUGER caliber rounds of ammunition labeled “G.F.L 9mm LUGER” on the headstamp; eight (8) 9mm caliber rounds of ammunition labeled “FC 9mm LUGER” on the headstamp; and one (1) 40 S&W caliber round of ammunition labeled “R-P 40 S&W” on the headstamp.

All in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(8).

COUNT 5

(Unlawful User of Controlled Substances in Possession of a Firearm and Ammunition)

The Grand Jury Further Charges That:

Between on or about July 21, 2023, and on or about August 8, 2023, the exact dates being unknown to the Grand Jury, in the Western District of New York, the defendant, **SIMON GOGOLACK**, then being an unlawful user of Schedule I, II, and IV controlled substances, did knowingly possess in and affecting commerce, a firearm, namely, one KEL-TEC CNC Inc., Model KSG, 12-gauge pump action shotgun bearing serial number XXFD48, and ammunition, including, seven (7) 12-gauge rounds of ammunition labeled “AGUILA 12” on the headstamp; fourteen (14) 9mm LUGER caliber rounds of ammunition labeled “G.F.L 9mm LUGER” on the headstamp; eight (8) 9mm caliber rounds of ammunition labeled “FC 9mm LUGER” on the headstamp; and one (1) 40 S&W caliber round of ammunition labeled “R-P 40 S&W” on the headstamp.

All in violation of Title 18, United States Code, Sections 922(g)(3) and 924(a)(8).

COUNT 6

(Kidnapping)

The Grand Jury Further Charges That:

Between on or about March 14, 2023, and on or about March 15, 2023, the exact date being unknown to the Grand Jury, in the Western District of New York, the defendant, **SIMON GOGOLACK**, did knowingly, intentionally, and unlawfully seize, confine, inveigle, decoy, and carry away and otherwise hold Victim 1, a person known to the Grand Jury, for some purpose and benefit, and in committing and in furtherance of the commission

of the offense, did use any means, facility, or instrumentality of interstate or foreign commerce.

All in violation of Title 18, United States Code, Sections 1201(a)(1).

COUNT 7

(Kidnapping)

The Grand Jury Further Charges That:

Between on or about March 14, 2023, and on or about March 15, 2023, the exact date being unknown to the Grand Jury, in the Western District of New York, the defendant, **SIMON GOGOLACK**, did knowingly, intentionally, and unlawfully seize, confine, inveigle, decoy, and carry away and otherwise hold Victim 2, a person known to the Grand Jury, for some purpose and benefit, and in committing and in furtherance of the commission of the offense, did use any means, facility, or instrumentality of interstate or foreign commerce.

All in violation of Title 18, United States Code, Sections 1201(a)(1).

COUNT 8

(Tampering with a Witness)

The Grand Jury Further Charges That:

On or about August 14, 2023, in the Western District of New York, the defendant, **SIMON GOGOLACK**, did knowingly use intimidation, threaten, and corruptly persuade, and attempt to use intimidation, threaten, and corruptly persuade Victim 1, a person known to the Grand Jury, by sending an intimidating, threatening, and harassing CashApp message to Victim 1 with the intent to influence, delay, and prevent the testimony of Victim 1 in an

official proceeding, that is, a federal grand jury investigation and subsequent criminal proceedings involving the defendant, **SIMON GOGOLACK**, in the United States District Court for the Western District of New York.

All in violation of Title 18, United States Code, Sections 1512(b)(1).

COUNT 9

(Tampering with a Witness)

The Grand Jury Further Charges That:

On or about August 14, 2023, in the Western District of New York, the defendant, **SIMON GOGOLACK**, did knowingly use intimidation, threaten, and corruptly persuade, and attempt to use intimidation, threaten, and corruptly persuade Victim 1, a person known to the Grand Jury, by sending an intimidating, threatening, and harassing CashApp message to Victim 1 with the intent to cause and induce Victim 1 to withhold testimony from an official proceeding, that is, a federal grand jury investigation, and subsequent criminal proceedings involving the defendant, **SIMON GOGOLACK**, in the United States District Court for the Western District of New York.

All in violation of Title 18, United States Code, Sections 1512(b)(2)(A).

COUNT 10

(Tampering with a Witness)

The Grand Jury Further Charges That:

On or about August 14, 2023, in the Western District of New York, the defendant, **SIMON GOGOLACK**, did knowingly use intimidation, threaten, and corruptly persuade, and attempt to use intimidation, threaten, and corruptly persuade Victim 1, a person known

to the Grand Jury, by sending an intimidating, threatening, and harassing CashApp message to Victim 1 with the intent to hinder, delay, and prevent communication to a law enforcement officer and judge of the United States of information relating to the commission and possible commission of a federal offense.

All in violation of Title 18, United States Code, Sections 1512(b)(3).

COUNT 11

(Tampering with a Witness)

The Grand Jury Further Charges That:

On or about August 14, 2023, in the Western District of New York, the defendant, **SIMON GOGOLACK**, did knowingly use intimidation, threaten, and corruptly persuade, and attempt to use intimidation, threaten, and corruptly persuade Victim 2, a person known to the Grand Jury, by sending an intimidating, threatening, and harassing CashApp message to Victim 2 with the intent to influence, delay, and prevent the testimony of Victim 2 in an official proceeding, that is, a federal grand jury investigation and subsequent criminal proceedings involving the defendant, **SIMON GOGOLACK**, in the United States District Court for the Western District of New York.

All in violation of Title 18, United States Code, Sections 1512(b)(1).

COUNT 12

(Tampering with a Witness)

The Grand Jury Further Charges That:

On or about August 14, 2023, in the Western District of New York, the defendant, **SIMON GOGOLACK**, did knowingly use intimidation, threaten, and corruptly persuade,

and attempt to use intimidation, threaten, and corruptly persuade Victim 2, a person known to the Grand Jury, by sending an intimidating, threatening, and harassing CashApp message to Victim 2 with the intent to cause and induce Victim 2 to withhold testimony from an official proceeding, that is, a federal grand jury investigation, and subsequent criminal proceedings involving the defendant, **SIMON GOGOLACK**, in the United States District Court for the Western District of New York.

All in violation of Title 18, United States Code, Sections 1512(b)(2)(A).

COUNT 13

(Tampering with a Witness)

The Grand Jury Further Charges That:

On or about August 14, 2023, in the Western District of New York, the defendant, **SIMON GOGOLACK**, did knowingly use intimidation, threaten, and corruptly persuade, and attempt to use intimidation, threaten, and corruptly persuade Victim 2, a person known to the Grand Jury, by sending an intimidating, threatening, and harassing CashApp message to Victim 2 with the intent to hinder, delay, and prevent communication to a law enforcement officer and judge of the United States of information relating to the commission and possible commission of a federal offense.

All in violation of Title 18, United States Code, Sections 1512(b)(3).

FORFEITURE ALLEGATION

The Grand Jury Alleges That:

Upon conviction of any and all counts of this Superseding Indictment, the defendant, **SIMON GOGOLACK**, shall forfeit to the United States, all of his right, title, and interest in

any firearms and ammunition involved or used in the commission of the offense(s), or found in the possession or under the immediate control of the defendant at the time of arrest, including, but not limited to the following items seized on August 8, 2023 from 296 Scott Avenue, Wellsville, New York:

FIREARMS AND AMMUNITION:

- a. KEL-TEC CNC Inc., Model KSG, 12-gauge pump action shotgun bearing serial number XXFD48;
- b. AR Rifle Upper and Butt Stock with Spring;
- c. Approximately thirteen (13) 12-gauge shotgun rounds; and
- d. Approximately one hundred ninety-eight (198) rounds of various types of ammunition.

All pursuant to Title 18, United States Code, Sections 924(d) and 3665, and Title 28, United States Code, Section 2461(c).

DATED: Buffalo, New York, September 20, 2023.

TRINI E. ROSS
United States Attorney

BY: S/NICHOLAS T. COOPER
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A TRUE BILL:

S/FOREPERSON
FOREPERSON